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January 11, 2023

**Via ECF**

Honorable Naomi Reice Buchwald  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Cequel Communications, LLC v. MOX Networks, LLC*, No. 21-CV-5577

Dear Judge Buchwald:

On behalf of Plaintiff Cequel Communications, LLC d/b/a Suddenlink Communications, we write to request a 15-day extension of Plaintiff's deadline to serve rebuttal expert disclosures to the expert report of Dr. David McNamara served by Defendant MOX Networks, LLC on December 15, 2022, and the Parties' deadline to complete expert discovery. This is Cequel's first request for an extension of expert discovery. Defendant MOX Networks, LLC consents to this request.

Plaintiff's deadline to serve rebuttal expert disclosures is January 17, 2023. *See* Fed. R. Civ. P. 26(a)(2)(D)(ii) (authorizing rebuttal disclosures to be served within 30 days of affirmative disclosures). The deadline for the Parties to complete expert discovery is February 15, 2023, pursuant to the Court's Order dated November 1, 2022. *See* Dkt. 37. Cequel requests a 15-day extension to serve rebuttal disclosures to Dr. McNamara's report to February 1, 2023 and a corresponding extension to complete expert discovery, including expert depositions, to March 1, 2023.

An extension is warranted here for the following reasons. On December 15, 2022, MOX served two expert reports: the report of Mr. David McNamara and the rebuttal report of Mr. Peterson. Cequel's time to prepare rebuttal disclosures to Mr. McNamara's report thus fell over the holiday season. While Plaintiff endeavored to complete rebuttal disclosures over the holidays by the 30-day deadline, one of Plaintiff's potential experts was traveling for work and unavailable for a period of time. In addition, MOX's expert reports include extensive documentation and data and new analysis that require time-intensive analysis as well as potentially retaining a new expert. Plaintiff's extension request is further justified because MOX received 60 days to serve rebuttal disclosures.

Thank you for your Honor's attention to this matter.

Respectfully submitted,

/s/ Avni P. Patel

Avni P. Patel

cc: All counsel of record (via ECF)